

REMARKS

Applicants have reviewed and considered the Office Action dated February 12, 2008, and the references cited therein. In the Office Action, the Examiner rejected claims 1, 3-7, 10-16, and 18 under 35 U.S.C. § 102. The Examiner also rejected claims 2 and 8 under 35 U.S.C. § 103. In response, claims 1 and 18 have been amended.

Applicants thank the Examiner for his discussion with Applicants' representative, Adam Bramwell, on April 30, 2008. During the discussion, comments made by the Examiner in the Office Action regarding recommended claim amendments were addressed. In view of the discussion and the following remarks, Applicants request reconsideration and allowance of the pending claims.

Rejection under 35 U.S.C. § 102

Independent Claims 1 and 18 are Not Anticipated by Mulhauser nor Avrahami

Claims 1, 3-7, 10-11, 13-16, and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,919,167 (Mulhauser). Claims 1, 3, 9, 11-13, 16, and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,708,060 (Avrahami).

Claim 1, as amended, recites an injection device comprising, in part, "a housing, a medicament reservoir, a drive system . . . and at least one capacitor for powering the drive system for performing at least one injection; wherein the medicament reservoir, the drive system, and the at least one capacitor are contained within the injection device housing; wherein the at least one capacitor receives its charge from a charging device external to and removably coupled to the injection device housing . . ." Similarly, claim 18, as amended, recites an injection system comprising, in part, "an injection device comprising a housing, a medicament reservoir, a drive system . . . and at least one capacitor for powering the drive system for performing at least one injection . . . wherein the medicament reservoir, the drive system, and the at least one capacitor are contained within the injection device housing . . . and a charging device capable of removably coupling with the injection device for charging the at least one capacitor, wherein the charging device is external to the injection device housing.

Neither Mulhauser nor Avrahami discloses the inventions of claims 1 and 18 at least because neither of the references discloses "wherein the at least one capacitor receives its charge

from a charging device external to and removably coupled to the injection device housing” nor “wherein the charging device is external to the injection device housing,” as recited in claims 1 and 18, respectively.

Rather, Mulhauser discloses an apparatus for delivery of a fluid which includes a housing 12. *Mulhauser*, col. 2, ll. 45-46. Power to the apparatus is supplied by means of a battery 120. *Mulhauser*, col. 5, ll. 30-31. As is seen with reference to Figure 7, the battery 120 is housed entirely within the delivery apparatus housing 12. Thus, Mulhauser does not disclose “wherein the at least one capacitor receives its charge from a charging device external to and removably coupled to the injection device housing” nor “wherein the charging device is external to the injection device housing,” as recited in claims 1 and 18, respectively. Reconsideration and allowance are respectfully requested.

Avarhami discloses a skin puncturing device 20 for transdermal delivery of an active substance. *Avarhami*, col. 14, ll. 5-8. The device 20 comprises a control unit 30 attached to a skin patch 40. *Avarhami*, col. 14, ll. 9-11. The control unit 30 contains a switching unit 50 and battery 52. *Avarhami*, col. 14, ll. 51-52. As is seen with reference to Figure 1A, the battery 52 is contained entirely within the device 20. Thus, Avarhami does not disclose “wherein the at least one capacitor receives its charge from a charging device external to and removably coupled to the injection device housing” nor “wherein the charging device is external to the injection device housing,” as recited in claims 1 and 18, respectively. Reconsideration and allowance are respectfully requested.

Claims Depending from Claim 1 are Patentable

Claims 2-16 depend either directly or indirectly from claim 1. Accordingly, these claims are also patentable for at least for the reasons presented above and, further, in view of their additional recitations. Reconsideration and allowance are thus respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claim 2 is Not Obvious Over Mulhauser

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mulhauser.

Claim 2 depends directly from claim 1. As mentioned above, Mulhauser does not anticipate the invention of claim 1 at least because it does not disclose “wherein the at least one capacitor receives its charge from a charging device external to and removably coupled to the

injection device housing.” Thus, even assuming it would have been obvious to one having ordinary skill at the time of the invention to modify the capacitor of Mulhauser with a gold capacitor, Mulhauser does not make obvious the invention of claim 2. Accordingly, claim 2 is also patentable for at least for the reasons presented above and, further, in view of its additional recitations. Reconsideration and allowance are respectfully requested.

Claim 8 is Not Obvious Over Mulhauser in View of Portner

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mulhauser in view of US Patent 4,360,019 (Portner).

Claim 8 depends directly from claim 1. As mentioned above, Mulhauser does not anticipate the invention of claim 1 at least because it does not disclose “wherein the at least one capacitor receives its charge from a charging device external to and removably coupled to the injection device housing.” Portner does not remedy the disclosure deficiencies of Mulhauser at least because the Mulhauser/Portner combination does not disclose, teach, or suggest the invention of claim 1. Reconsideration and allowance are respectfully requested.

Conclusion

This response is being submitted on or before August 12, 2008, and an extension of the time to respond until that date is hereby requested. Also, a request for continued examination (RCE) is being submitted herewith. The fees required for the extension of time and the RCE should be charged to Deposit Account No. 04-1420. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

The application now stands in allowable form, and reconsideration and allowance are respectfully requested.

Respectfully submitted,

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